



Economic Impact Analysis Virginia Department of Planning and Budget

18 VAC 85-120 – Regulations Governing the Licensure of Athletic Trainers
Department of Health Professions
June 11, 2010

Summary of the Proposed Amendments to Regulation

The Board of Medicine (Board) proposes to amend its Regulations Governing the Licensure of Athletic Trainers to eliminate reference to a now defunct internship program, change the time limit for provisional licensure from one year to six months and specify that individuals who fail their licensure exam while provisionally licensed will lose that license upon notification of their failure.

Result of Analysis

The benefits likely exceed the costs for two of the proposed regulatory changes. There is insufficient information to ascertain whether benefits would likely outweigh costs for an additional amendment of regulatory requirements.

Estimated Economic Impact

Current regulations for licensure of athletic trainers allow individuals who have either graduated from an accredited education program, or who have fulfilled internship educational requirements through the National Athletic Trainers Association Board of Certification (NATABOC), to be provisionally licensed for one year while they are either waiting to take their licensure exam or are waiting for their results. While provisionally licensed, individuals have to work under the supervision of a fully licensed athletic trainer. The Board believes that, despite this supervision requirement, provisionally licensed individuals are working with “very little oversight”. Specifically, Board staff reports that supervision, in some cases, has consisted of only telephonic contact once a day.

While the Board knows of no specific instances of patients being harmed by loose supervision practices, they believe that the chances of harm occurring will be further minimized by amending these regulations so that provisional licenses will be valid for not more than six months and so that individuals who fail their licensure exams will automatically lose their provisional licenses (upon notification from the testing authority that they have failed). To the extent that licensure in this field helps to ensure safety, clients of athletic trainers will likely benefit from these regulatory changes; particularly from the added provision for individuals who fail their competency exams to automatically lose their provisional licenses. Some small number of individuals who would be provisionally licensed in the future will likely bear some costs from only being able to keep that license for six months rather than the year that is currently allowed. These costs would likely include job loss for individuals that do not take, and pass, their competency exam within six months of finishing their education. Whether benefits outweigh costs for decreasing the maximum length of provisional licensure will depend on whether the harm that might be caused by people practicing under provisional licensure for an additional six months is greater than the loss of work opportunity for individuals who would lose their provisional license after six months rather than a year. Four of the eight individuals who currently hold a provisional license have had that license for more than six months.

The Board also proposes to eliminate reference currently to the NATABOC internship program that no longer exists. No individual is likely to incur costs from obsolete language being removed from these regulations. This change will benefit anyone who might have been confused by the reference to licensure through a program that is currently not available.

Businesses and Entities Affected

Individuals who are working to attain athletic trainer licensure will be affected by these regulatory changes. The Department of Health Professions (DHP) reports that 119 athletic trainers were newly licensed in 2009 and that there are currently eight individuals that are provisionally licensed as athletic trainers. Four of those eight individuals have been provisionally licensed for longer than six months and would, therefore, be adversely affected if these new regulatory provisions were already in place.

Localities Particularly Affected

No locality will be particularly affected by this proposed regulatory action.

Projected Impact on Employment

This regulatory action will likely have only a very minimal impact on employment in the Commonwealth.

Effects on the Use and Value of Private Property

This regulatory action will likely have no effect on the use or value of private property in the Commonwealth.

Small Businesses: Costs and Other Effects

Small businesses in the Commonwealth are unlikely to incur any costs on account of this regulatory action.

Small Businesses: Alternative Method that Minimizes Adverse Impact

Small businesses in the Commonwealth are unlikely to incur any costs on account of this regulatory action.

Real Estate Development Costs

This regulatory action will likely have no effect on real estate development costs in the Commonwealth.

Legal Mandate

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 2.2-4007.H of the Administrative Process Act and Executive Order Number 36 (06). Section 2.2-4007.H requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. Further, if the proposed regulation has adverse effect on small businesses, Section 2.2-4007.H requires that such economic impact analyses include (i) an identification and estimate of the number of small businesses subject to the regulation; (ii) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the regulation, including the

type of professional skills necessary for preparing required reports and other documents; (iii) a statement of the probable effect of the regulation on affected small businesses; and (iv) a description of any less intrusive or less costly alternative methods of achieving the purpose of the regulation. The analysis presented above represents DPB's best estimate of these economic impacts.